

Comments regarding "Sorenson's Petition for a Declaratory Ruling or Alternatively a Rulemaking Regarding Call Handling Obligations": dated November 8, 2016 addressing concerns of Video Interpreters.

Wire Fraud and unethical calls are a disturbing issue for all users of telecommunication services, however; the TRS Fund was established to provide "functional equivalence" to the deaf and hard-of-hearing communities. Providers of telecommunication services across the board are not monitoring call content and policing for fraud or unethical calls and neither should providers of VRS be policing calls.

As opposed to something such as VRI, which is very clear and concrete, the determination of what is fraud is gray and varies depending on personal opinion. An interpreter is not breaking the Code of Professional Conduct when instructed to disconnect a call if both callers are in the same room. It is black and white and there is no personal judgement made. However, to make the determination that any call is fraudulent does require personal judgement. This goes against The Code of Professional Conduct. (Tenents 2.5 and 3.0)

Interpreters should be prepared for what might come up in conversations such as current events in the news, etc., in order to effectively interpret content of calls but should not be using any personal knowledge to determine for the deaf, hard-of-hearing or hearing callers what calls they should or should not take.

As interpreters we are not assisting either party to take actions that are fraudulent or unethical. We are providing access to communication. This is "functional equivalency". The policing of this kind of activity should come from a different authority and be established for all users of telecommunication services; not on a select group because they have a third party already in the process of interpreting communications. These kinds of calls *stigmatize all providers of telecommunication services and needs to be viewed more broadly.

The normal course of business for a CA (VRS Interpreter) is to answer each call as it comes in and relay calls verbatim to communicate the intended message. The fact is, the kinds of calls discussed in this petition are VERY RARE. These calls are not rampant so the percentage of the total call volume is very minimal. However, the Department of Justice, FBI and FTC should work together to find ways to police these calls if policing these calls is determined to occur without involving the interpreter. Our role is not that of a wiretap and the Deaf and Hard of hearing communities should not be worried about their calls being wire tapped when people who can hear place calls that are not wiretapped.. Efforts should be focused on finding avenues to educate all groups that are targeted by these callers whether they are deaf, hard-of-hearing, elderly, etc. These calls are not intended to fraud the TRS Fund but the users on all forms of telecommunication services.

VRS interpreters should remain in their role and provide access to communication and follow their Code of Professional Conduct. Due to the role of an interpreter as outlined in *The Code of Professional Conduct developed by the Registry of Interpreters for the Deaf and the National Association of the Deaf, I urge the Commission to further define that liability for fraudulent, unethical and illegal calls cannot be placed on the interpreter. An interpreter cannot be expected to have the necessary legal knowledge of all state and federal laws and to judge the content of calls. Interpreters are not censors of call content and should not be held criminally liable.

As an interpreter, I seek the laws be clarified to protect my role in providing functional equivalency and confidentiality and to clarify that even the few calls we receive like this should not be policed by interpreters. My husband is Deaf and should be able to trust his privacy is protected just as any party that can hear. He should be able to determine when to disconnect HIS call and not have a third party manage his calls for him.

Respectfully,

Tamara Havard

*A complete version of The Code of Professional Conduct can be obtained at RID.org.

Tenent 2.0 Professionalism

2.3 Render the message faithfully by conveying the content and spirit of what is being communicated, using language most readily understood by consumers, and correcting errors discreetly and expeditiously.

2,5 Refrain from providing counsel, advice or personal opinions.

Tenent 3.0 Conduct

3.3 Avoid performing dual or conflicting roles in interdisciplinary or other settings.

Tenent 4.0 Respect for Consumers

4.4 Facilitate communication access and equality, and support the full interaction and independence of consumers.

*Stigmatize – National Association of the Deaf, Position Statement on Functionally Equivalent Telecommunications for Deaf and Hard of Hearing People (December 21, 2014) <https://nad.org/position-statement-functionally-equivalent-telecommunications-deaf-and-hard-hearing-people>.